REMARKS

This Amendment, submitted in response to the Office Action dated September 12, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-5, 12, and 14-16 are now pending in the application. Claims 6-11 and 13 have been canceled. Claims 14-16 have been newly added.

I.   Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed August 12, 2004, by marking acceptance of the drawings in the next Office Action.

II.   Rejection of claims 1-13 under § 102(e)

Claims 1-13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Russelll et al. (U.S. Patent No. 6,917,630).

Claim 1 is directed to a "a method for virtually concatenating optical channels in a **WDM network...**" In order to establish anticipation, the Examiner must show that each and every element is taught in the cited art. Applicant's invention, as recited in for example, claim 1, is directed to a Wavelength Division Multiplexing (WDM) network. Russell is directed to a Synchronous Digital Hierarchy Network (see Title). Moreover, there is no teaching or suggestion of a WDM network in Russell.

Claim 1 further recites "writing a same value defined in advance into the n-frame (n=1,2,3,...) concatenation byte." The Examiner asserts that elements 901 and 902 in Fig. 9 of Russell teach this aspect of the claim. Element 901 is a virtual concatenator which adds a plurality of virtual concatenation overhead bytes containing stream numbers and sequence markers. See col. 13, lines 40-44. The stream number data indicates which of a plurality of associated streams of virtual containers an individual container belongs and sequence marker data indicates a time at which the virtual container was generated in relation to other generated virtual containers. The sequence data is incremented before resetting and then repeated as VC's are created. See col. 12, lines 30-31 and 42-48.

Element 902 is a mapping means which maps OSI layer 2 data frames to a plurality of virtual containers which are associated with each other by addition of virtual concatenation overhead bytes. See col. 13, lines 44-47. However, there is no teaching or suggestion in element 901 or 902 of "writing **a same value defined in advance** into the n-frame (n=1,2,3,...) concatenation byte," as recited in claim 1.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 14 recites similar elements, claim 14 and its dependent claims should also be deemed allowable.

III.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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